

REMARKS

Applicants respectfully request favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 2, 5-9, 11-13, 16-24 are pending. Claims 1, 7, 11, 12, 16, 20, 23, and 24 are the independent claims.

Claims 3, 4, and 10 have been cancelled without prejudice or disclaimer. Claims 1, 7, 11, 12, 16, 20, 23, and 24 have been amended. No new matter has been added.

Claims 7-10 and 16-19 stand rejected under the second paragraph of 35 U.S.C. § 112, as indefinite. In response, Applicant has amended claims 7 and 16 from which claims 8-10 and 17-19 respectively depend. Claims 7 and 16 have been amended to further clarify the claimed subject in view of the Examiner's comments. Applicant respectfully submits that claims 7-10 and 16-19 now satisfy the requirements of the second paragraph of 35 U.S.C. § 112.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 7-10 and 16-19 under 35 U.S.C. § 112 are respectfully requested.

Claims 1-20 and 23-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over International Patent Application WO 98/21713 (Leville et al.) in view of U.S. Patent No. 6,853,980 (Ying) in further view of U.S. Patent Publication No. 2002/0032610 (Gold). All rejections are respectfully traversed.

Independent claims 1, 11, and 12 recite, inter alia, a creating section creating a supply file including data corresponding to information of the elements to be purchased by using the set of data stored in the data storage section and including data purchased by the purchaser in the past.

Independent claim 7 recites, inter alia, a receiving section ... receiving a supply file including data corresponding to information of the elements to be purchased and including data purchased by the purchaser in the past.

Independent claim 16 corresponds generally to independent claim 7 and recites a similar feature in computer-readable medium form.

Independent claims 20 and 24 recite, inter alia, a creating section creating a supply file including data corresponding to information of the elements to be purchased by using a set of stored data and including the purchase record.

Independent claim 23 recites, inter alia, a receiving section receiving ... a supply file including data corresponding to information of the elements to be purchased and including the purchase record.

It is to be appreciated that the independent claims have been amended to variously recite features of cancelled claims 4 or 10.

However, Applicant respectfully submits that none of the asserted citations teaches or suggests at least the aforementioned features of independent claims 1, 7, 11, 12, 16, 20, 23, and 24. Thus, without conceding the propriety of the asserted combination, the asserted combination is likewise deficient.

In rejecting claim 4, the Office Action contends that the host computer 10 of Leville et al. receives a file with data regarding past purchases. (Office Action, page 9). In rejecting claim 10, the Office Action contends that a receiving section 17 of Leville et al. receives data regarding one or more elements to be purchased. (Office Action, page 9). These contentions are respectfully traversed.

Leville et al. teaches that the host computer 10 does receive a file with information regarding the purchaser. Specifically, point of sale (POS) interfaces 20 send transactional data to the host computer 10 so that specific customer profiles can be maintained and updated. (Leville et al., page 8, lines 24-30). These profiles are used by the host computer to generate a customized net price for a product. (Leville et al., Abstract, page 7, lines 12-25). This customized net price is delivered to the POS so that the price is automatically applied to that product at the point of sale.

However, the Leville et al. host computer does not send a file to a purchaser with data regarding both goods being presently purchased and goods previously purchased. Likewise, Leville et al. does not create or receive such a file.

Ying et al. relates to selling fonts via the Internet (Ying et al., Col. 10, lines 14-22; Fig. 1) while Gold relates to quoting a price for goods based on quantity and time. (Gold, paragraph [0029]). Applicant respectfully submits that neither Ying et al. nor Gold adds anything to the teachings or suggestions of Leville et al. that remedies the aforementioned deficiency.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 7, 11, 12, 16, 20, 23, and 24 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent

claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 23, 2005
By: 
Michael E. Kondoudis
Registration No. 42,758

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501